

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 FREDERICK NEWHALL WOODS,

No. C 14-1936 CW

5 Petitioner,

6 v.

7 ELVIN VALENZUELA, Warden,

8 Respondent.

9 _____ /
10 JAMES SCHOENFELD,

No. C 14-2993 CW

11 Petitioner,

12 v. ORDER DENYING
13 ELVIN VALENZUELA, Warden,
14 Respondent.

MOTION TO DISMISS

15 _____ /
16 Petitioners Frederick Newhall Woods and James Schoenfeld have
17 each filed a petition for a writ of habeas corpus, challenging the
18 most recent denial of parole in their respective cases.

19 Respondent Elvin Valenzuela has filed identical motions to dismiss
20 in these related habeas cases. Petitioners oppose the motions.
21 Having considered the motions and the entire records in these
22 cases, the Court DENIES the motions to dismiss. Case No. 14-1936,
23 Docket No. 14; Case No. 14-2993, Docket No. 11.

24 DISCUSSION
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26 Respondent argues that both petitions should be dismissed
27 because, even if successful, the petitions will only result in a
28 new parole hearing, which will not necessarily lead to immediate

1 or speedier release from confinement. "Federal law opens two
2 main avenues to relief on complaints related to imprisonment: a
3 petition for habeas corpus, 28 U.S.C. § 2254, and a complaint
4 under the Civil Rights Act of 1871, Rev. Stat. § 1979, as amended,
5 42 U.S.C. § 1983. Challenges to the lawfulness of confinement or
6 to particulars affecting its duration are the province of habeas
7 corpus.'" Hill v. McDonough, 547 U.S. 573, 579 (2006) (quoting
8 Muhammad v. Close, 540 U.S. 749, 750 (2004)). "An inmate's
9 challenge to the circumstances of his confinement, however, may be
10 brought under § 1983." Id.

11 Habeas is the "exclusive remedy" for the prisoner who seeks
12 "'immediate or speedier release'" from confinement. Skinner v.
13 Switzer, 131 S. Ct. 1289, 1293 (2011) (quoting Wilkinson v.
14 Dotson, 544 U.S. 74, 82 (2005)); see Calderon v. Ashmus, 523 U.S.
15 740, 747 (1998); Edwards v. Balisok, 520 U.S. 641, 648 (1997);
16 Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). "Where the
17 prisoner's claim would not 'necessarily spell speedier release,'
18 however, suit may be brought under § 1983.'" Skinner, 131 S. Ct.
19 at 1293 (quoting Wilkinson, 544 U.S. at 82). As a consequence,
20 challenges to prison conditions have traditionally been cognizable
21 only by way of § 1983, while challenges implicating the fact or
22 duration of confinement must be brought through a habeas petition.
23 Docken v. Chase, 393 F.3d 1024, 1026 (9th Cir. 2004).

24 Respondent argues that the Ninth Circuit has recently
25 clarified that "habeas jurisdiction and section 1983 jurisdiction
26 are in fact mutually exclusive of each other." Motion to Dismiss
27 at 3 (citing Blair v. Martel, 645 F.3d 1151, 1157 (9th Cir.
28 2011)). In Blair, the Ninth Circuit held that "a request for an

1 order directing a state court to hasten its consideration of an
2 appeal belongs in a § 1983 complaint, not a habeas petition”
3 because such a claim does not necessarily spell speedier release.
4 Blair v. Martel, 645 F.3d 1151, 1157-58 (9th Cir. 2011). However,
5 the Ninth Circuit earlier held that “when prison inmates seek only
6 equitable relief in challenging aspects of their parole review
7 that, so long as they prevail, could potentially affect the
8 duration of their confinement, such relief is available under the
9 federal habeas statute.” Docken, 393 F.3d at 1031 (emphasis in
10 original).

11 Although the three-judge panel in Blair relied on intervening
12 Supreme Court cases, following Blair, the Ninth Circuit has
13 reaffirmed the proposition that there are “instances where the
14 same constitutional rights might be redressed under either” a
15 habeas petition or a § 1983 complaint. Thornton v. Brown, 757
16 F.3d 834, 841 (9th Cir. 2014) (quoting Wolff v. McDonnell, 418
17 U.S. 539, 579 (1974)). Thornton and Docken are more directly on
18 point in this context. Moreover, other courts in this district
19 have similarly held that claims challenging parole procedures are
20 appropriately brought as habeas petitions. Nettles v. Grounds,
21 2013 WL 3967652, *2 (N.D. Cal.) (finding that where “Petitioner
22 seeks the invalidation of state procedures used to deny parole
23 suitability,” claim “may be brought either in a petition for
24 habeas relief or in a complaint under §1983”); Herrera v. Peck,
25 2013 WL 3286188, *2 (N.D. Cal.) (dismissing a § 1983 claim and
26 instructing plaintiff he could file a habeas petition where
27 “plaintiff attacks the validity of the parole hearing and his
28 continued confinement, not the conditions of the confinement”).

1 CONCLUSION

2 Respondent's motions to dismiss the petitions for writs of
3 habeas corpus are DENIED. Case No. 14-1936, Docket No. 14; Case
4 No. 14-2993, Docket No. 11. The Court hereby issues the following
5 orders in each of the above captioned cases:

6 1. Respondent shall file with this Court and serve upon
7 Petitioner in each case, within twenty-eight (28) days of the
8 issuance of this Order, an answer conforming in all respects to
9 Rule 5 of the Rules Governing Section 2254 Cases, showing cause
10 why a writ of habeas corpus should not be issued. Respondent
11 shall file with the answer a copy of all portions of the relevant
12 state records that have been transcribed previously and that are
13 relevant to a determination of the issues presented by the
14 petition.

15 2. If a Petitioner wishes to respond to the answer, he shall
16 do so by filing a traverse with the Court and serving it on
17 Respondent within twenty-eight (28) days of his receipt of the
18 answer.

19 IT IS SO ORDERED.

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21 Dated: November 21, 2014


22 CLAUDIA WILKEN
United States District Judge

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